

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA

PRISONER COMPLAINT [FOR INMATE ACTION] UNDER 42 U.S.C. § 1983

LOUIS JAMES WELCH
Name under which you
were convicted

ATS# 139436
Your prison number

CIVIL ACTION NO. 06-72-KD-C
(To be supplied by Clerk of Court)

CLARKE COUNTY, SHERIFF JACK DAY ET, AL.
Name of Defendant(s)

KILBY CORR. FAC. P.O. BOX 150 MT. MEIGS AL. 36057
Place of Confinement and Address

INSTRUCTIONS - READ CAREFULLY

A. Complaint Form. You must file your original complaint and a copy for each named Defendant. Your complaint must be clearly handwritten or typewritten. Do not use the back of a page. Your complaint must be signed by you; no notary is required. Any false statement of material fact may serve as the basis for prosecution for perjury.

B. Proper Court. Your complaint can only be brought in this Court if a defendant is located in the Southern District of Alabama and the rest of the defendants are located in Alabama or if your claim arose in this district. The Southern District of Alabama is comprised of the following counties: Baldwin, Clarke, Choctaw, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile, Monroe, Perry, Washington, and Wilcox.

C. Separate Case. It is necessary to file a separate complaint form for each claim unless the claims are related to the same incident or issue.

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D. Defendants. The persons who are listed as defendants in section III of the complaint are deemed by the Court to be the only defendants to this action. A defendant's present address must be provided. The Court is unable to serve process without the present address being furnished. The first defendant listed in section III should be the defendant that you list in the style of your case on your complaint form and motion to proceed without prepayment of fees and costs, if applicable, and any other pleading filed with the Court.

E. Pleading the Complaint. Your complaint should not contain legal arguments, case law or statutory citations. You are required to provide facts. Your complaint shall be a short and plain statement of your claim and shall provide fair notice to each defendant of the claim against that defendant and of the factual grounds upon which the claim rests.

F. Fees.—This complaint cannot be properly filed unless it is accompanied by the \$150.00 filing fee or a motion to proceed without prepayment of fees and costs if you are unable to afford the filing fee and other costs associated with prosecuting this action.

If you are unable to pay the filing fee and service costs for this action, you may ask the Court to let you proceed without prepayment of fees and costs. A blank motion for this purpose is included.

If you wish to proceed without prepayment of fees and costs, you must complete and mail to the Clerk of Court a copy of the "Motion to Proceed Without Prepayment of Fees and Costs" mailed to you with this complaint. This motion will be returned to you without action unless you have an authorized officer at the jail or prison complete the financial statement mailed to you with this form.

Even if the Court authorizes you to proceed without prepayment of filing fees, you are obligated to pay the full \$150.00. If you have the ability to pay a partial filing fee when your complaint is filed, you will be required to pay an amount, based on your assets, of up to the greater of 20 percent of your average monthly balance in your prison account or your average monthly balance for six months immediately preceding the filing of your complaint. Thereafter, your prison account will be garnished at the rate of 20 percent of your monthly income until the filing fee is paid.

G. Form of Pleadings. All pleadings and other papers filed must be on 8 1/2" x 11" paper, legibly handwritten or typewritten. Every document filed after the complaint must have the style of the case and the docket number. Every pleading must be signed by you and must contain your address and telephone number, if any;

otherwise, the pleading will be stricken. See Fed. R. Civ. P. 11(a). No notary is required.

H. Certificate of Service. Each pleading filed after the complaint must contain a certificate of service indicating that the pleading has been served on the opposing parties and the date that it was sent. A pleading will be stricken if it does not contain this certificate of service. See Fed. R. Civ. P. 5.

I. Copies. This Court will not make copies of your complaint or pleadings unless you prepay the required per page copying fee.

J. Form of Pleadings. Do not write letters to the Court. All pleadings and documents should be sent to the Clerk of the Court, and not to a magistrate judge or a district judge.

K. No Evidence. No evidence shall be sent to the Court for filing or storing.

I. PREVIOUS LAWSUITS.

A. Have you filed any other lawsuits in state or federal court dealing with the same or similar facts involved in this action:
Yes (☒) No ()

B. Have you filed other lawsuits in state or federal court relating to your imprisonment: Yes () No (☒)

C. If your answer to questions A or B above is yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using this same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: "SAME"

Defendants: _____

2. Court (if federal court, name the district; if state court, name the county): US DISTRICT COURT SOUTHERN DISTRICT OF ALABAMA

3. Docket Number: CA 03-0293-CB-C

4. Were you granted the opportunity to proceed without payment of filing fees? Yes (☒) No ()

5. Name of judge to whom the case was assigned: HONORABLE:

WILLIAM E. CHASSADY, US MAGISTRATE JUDGE

6. If your case is no longer pending and has been dismissed, state the reason given by the Court as to why your case was dismissed, i.e., frivolous, malicious, failed to state a claim, defendants were immune, etc.: _____

PLAINTIFF FAILED TO FILE RESPONSE TO DEFENDANTS
BRIEF IN TIME

7. Approximate date of filing lawsuit: N/A

8. Approximate date of ruling by court: N/A

II. YOUR PRESENT COMPLAINT.

A. Place or institution where action complained of occurred:

CLARKE COUNTY JAIL

B. Date it occurred: BETWEEN OCT 19TH 2000 TO MAY 15TH 2001

C. Is there a prisoner grievance procedure in this institution?

YES

D. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes (☒) No (☐)

E. If your answer is YES:

1. What steps did you take? FILED GRIEVANCE WITH JAIL

ADMINISTRATOR, FILED COMPLAINT WITH SAME

2. What was the result? N/A

F. If your answer is NO, explain why not: _____

G. Your claim (briefly explain your claim: what, when, where, who; do not cite cases; you may, without leave of Court, add up to five (5) additional pages if necessary): SEE COMPLAINT FILED

PLAINTIFF WAS DUE TO BE RELEASED FROM
HIS IMPOSED SENTENCE ON OCT 19TH 2000, BUT
WAS HELD ILLEGALLY AND WITHOUT DUE PROCESS
OF LAW AGAINST HIS WILL BY THE DEFENDANTS
IN THIS COMPLAINT UNTIL MAY 15TH 2001
8 MONTHS AFTER HIS LEGAL RELEASE DATE.

III. PARTIES.

- A. Plaintiff (Your name/AIS): LOUIS JAMES WELCH # 139436
Your present address: KILBY CORR. FAC. PO BOX 150 MT NEBLESS AL
- B. Defendant(s):
1. Defendant (full name) SHERIFF JACK DAY is employed
as SHERIFF at CLARKE County Alabama.

His/her present address is CLARKE County ALABAMA JAIL.

(a) Claim against this defendant: VIOLATION OF PLAINTIFFS
CONSTITUTIONAL RIGHTS

(b) Supporting facts (Include date/location of incident):

HELD PLAINTIFF 8 MONTHS PAST HIS Release DATE.

DATE OF Release WAS, OCTOBER 19, 2000 BUT WAS NOT
Released UNTIL MAY 15TH, 2001.

2. Defendant (full name) DONNIE ARNOLD is employed
as CHIEF DEPUTY at CLARKE County JAIL.

His/her present address is CLARKE County ALABAMA JAIL.

(a) Claim against this defendant: VIOLATION OF PLAINTIFFS
CONSTITUTIONAL RIGHTS

(b) Supporting facts (Include date/location of incident):

CHIEF ARNOLD, KNOWINGLY AND WILLINGLY KIDNEED
RECORDS THAT WOULD HAVE RELEASED PLAINTIFF AS SCHEDULED

3. Defendant (full name) THOMAS FOX is employed
as JAIL ADMINISTRATOR at CLARKE County JAIL.

His/her present address is CLARKE County ALABAMA JAIL.

(a) Claim against this defendant: VIOLATION OF PLAINTIFFS
CONSTITUTIONAL RIGHTS

(b) Supporting facts (Include date/location of incident):

AS JAIL ADMINISTRATOR WAS NEGLIGENT
IN performing DUTIES TO Release PLAINTIFF ON
Time.

④ ALSO LIEUTENANT BOBBY C. MOORE
AND THE CLARKE County ALABAMA COMMISSION

c. Additional Defendants: (If there are additional defendants, you may list them on separate pages using the same outline above).

IV. A. You must answer the following questions:

1. State the conviction(s) for which you are presently incarcerated: CRIM. POSS. OF A FORGED INT.

CASE# CC-99-031 ESCAMBA County ALABAMA

2. When were you convicted? 9-12-02

3. What is the term of your sentence? 15 YEARS

4. When did you start serving this sentence? 9-01-01

5. Do you have any other convictions which form the basis of a future sentence? Yes () No (X)
If so, complete the following:

(a) Date of conviction: N/A

(b) Term of sentence: N/A

6. What is your expected end of sentence (E.O.S.) date?
9-06-06

B. If this present lawsuit concerns your criminal conviction or sentence, state whether your conviction has been:

	Conviction	Sentence
Reversed	yes() no(X)	yes() no(X)
Expunged	yes() no(X)	yes() no(X)
Invalidated	yes() no(X)	yes() no(X)
Writ of habeas corpus granted	yes() no(X)	yes() no(X)

C. If you answered yes to any of the questions, state the Court or entity that relieved you from your conviction or sentence and the date:

N/A

V. State briefly exactly what you want the Court to do for you if you win (make no legal argument, cite no cases or statutes):

SEE ATTACHED SHEET AS RELIEF SOUGHT

VI. **AFFIRMATION.** By my signature below, I swear or affirm under penalty of perjury that the facts set out in this complaint are true and correct.

02-01-06
Date

Louis J. Welch
(Signature of Plaintiff Under
Penalty of Perjury)

KILBY CORR. FAC.
Current Mailing Address

PO Box 150 MT MEigs AL 36057

Telephone Number

PLAINTIFF SHALL IMMEDIATELY ADVISE THE COURT IN WRITING OF ANY
CHANGE IN HIS ADDRESS, E.G., RELEASED, TRANSFERRED, MOVED, ETC.
FAILURE TO NOTIFY THE COURT OF A NEW ADDRESS WILL RESULT IN THE
DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE AND TO OBEY THE
COURT'S ORDER.

IN THE UNITED STATES DISTRICT
COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

LOUIS JAMES WELCH
PLAINTIFF

VS

CLARKE COUNTY SHERIFFS
DEPARTMENT

(SHERIFF) JACK DAY, ET, AL

(CHIEF DEP) DONNIE ARNOLD, ET, AL

(JAIL ADM) THOMAS FOX, ET, AL

(LIEUTENANT) BOBBY C. MOORE, ET, AL

(CLARKE CO) COMM. STATION, ET, AL

DEFENDANTS

CASE #

COMPLAINT

COMES NOW LOUIS JAMES WELCH; (PRO-SE) AND
IS WITHOUT BENEFIT OF COUNSEL AS PLAINTIFF IN THE
ABOVE STYLE CAUSE; TO FORMALLY BRING CIVIL ACTION
AGAINST; EDWARD (JACK) DAY, SHERIFF OF CLARKE COUNTY
ALABAMA, CHIEF DEPUTY DONNIE ARNOLD, CLARKE COUNTY
JAIL ADMINISTRATOR THOMAS FOX, CLARKE COUNTY SHERIFFS
DEPUTY LT BOBBY C MOORE NOW KNOWN AS (DEFENDANTS)
IN THEIR FULL AND COMPLETE CAPACITIES BOTH PERSONAL
AND PROFESSIONALLY FOR THE WRONGFULL INCARCERATION
AGAINST HIS CONSTITUTIONAL RIGHTS A VIOLATION OF HIS

[V]; [VI]; [VII]; [IX] AND [XIV] ADMENDMENT
 RIGHTS ALSO HAS [XIII] ADMENDMENT RIGHT; PLAINTIFF
 RIGHTS WHTRE VIOLATED WHEN HE WAS DENIED HIS
 FREEDOM AND WAS DEPRIVED HIS LIFE AND LIBERTY WITH
 OUT DUE PROSESS OF LAW; A VIOLATION OF HIS 8TH
 ADMENDMENT RIGHT WAS INFLECTED WHEN THE PLAINTIFF
 WAS SUBJEGATED TO CRUEL AND UNUSUAL PUNISHMENT
 WHEN HE WAS HELD ILLEGALLY AGAINST HIS WILL
 WITH OUT BAIL OR DUE PROSESS OF LAW; PLAINTIFF
 WAS HELD IN THE CLARKE COUNTY ALABAMA JAIL (8) EIGHT
 MONTHS AFTER HIS END OF SENTENCE DATE HERE AFTER
 KNOWN AS (EOS); THIS HAS CAUSED THE PLAINTIFF UNDO
 STRESS AND MENTEL AS WELL AS PHYSICAL DISTRESS
 THE PLAINTIFF WAS DENIED HIS RIGHT TO A TRIAL BY AN
 IMPARSHAL JURY AND WAS NOT APPORDED COUNSEL TO
 PROTECT HIS CONSTITUTIONAL RIGHTS; ALSO PLAINTIFF
 CHARGES THE (DEFENDANTS) WITH CRUEL INDIFFERANCE
 WHERE PLAINTIFF WAS IN SLAVED WITHOUT BEING
 DULY CONVICTED OF A CRIME AND WAS FORCED INTO
 INVOLUNTARY SERVITUDE BY BEING FORCED TO WORK
 AT THE CLARKE COUNTY JAIL. THE PLAINTIFF ALSO
 CHARGES THE DEFENDANTS WITH KIDNAPING II AGAINST
 THE ALABAMA CODE OF (1975) 13A-6-44 WHERE AS
 HE WAS HELD EIGHT MONTHES AGAINST HIS WILL
 WITHOUT ANY FORMAL CHARGE OR DUE PROSESS OF
 LAW. IT IS THE RESPONSEABILITY OF THE CLARKE COUNTY
 JAIL ITS SHERIFF, ADMINISTRATOR AND EMPLOYEES TO
 KNOW THE PROPER TIME OF RELEASE OF EACH AND

EVERY INDIVIDUAL INMATE SERVING IMPOSED SENTENCES
 AT THE CLARKE COUNTY JAIL; IN THEIR INCOMPETENCE
 ACTS THEY FORCED THE PLAINTIFF TO SUFFER THROUGH
 ANOTHER EIGHT MONTHS OF PHYSICAL AND MENTAL
 CONFINEMENT INSIDE THE CLARKE COUNTY JAIL; IT IS
 ADMINISTRATION'S DUTY TO KNOW THE RELEASE DATE
 OF THEIR INMATES AND RELEASE THOSE WHO ARE
 DUE TO BE LAWFULLY RELEASED AT THEIR APPOINTED
 TIME; BY NOT DOING SO THIS HAS CAUSED THE
 PLAINTIFF TO SUFFER NEEDLESSLY DO TO THIS
 FURTHER INCARCERATION; IT HAS COST HIM HIS
 LIBERTY TO PURSUE LIFE AND HAS ALSO COST HIM
 MONETARILY FOR HIS LOSS OF BARNHILL
 EMPLOYMENT AND WAGES; IN THE AFTERMATH OF
 THIS KIDNAPING AND WRONGFULL INCARCERATION
 IT HAS LEFT THE PLAINTIFF MENTALLY AND PHYSICALLY
 DEPLETED; HE HAS LOST A TIME IN HIS LIFE;
 FAMILY AND MEANINGFUL WORK THAT CAN
 NOT BE REPLACED; HE HAS SUFFERED EMOTIONAL
 SET BACK'S BECAUSE OF THIS FURTHER INCARCERATION
 LOSS OF HIS WIFE; LOST TIME SPENT WITH
 HIS AGING PARENTS AND SIBLINGS; IT HAS
 CAUSED THE PLAINTIFF TO BE MENTALLY WITHDRAWN
 AND PHYSICALLY ILL; THE PLAINTIFF WAS DUE
 TO BE RELEASED FROM THE CUSTODY OF THE
 SHERIFF AND HIS EMPLOYEES OF THE CLARKE
 COUNTY JAIL AT HIS APPOINTED TIME AND DATE
 BUT WAS NOT CAUSING IRREVERSABLE DAMAGE

PAIN AND ANXIETY THAT SHOULD NOT HAVE BEEN
 PLACED UPON HIM; UNDER OUR CONSTITUTION OF
 THE UNITED STATES NO MAN OR WOMAN IS TO BE
 CONFINED AGAINST HIS WILL WITHOUT A TRIAL
 BY AN IMPARTIAL AND FAIR IMPANALLED JURY OF
 HIS PEERS OR WITHOUT DUE PROCESS OF LAW; THE
 PLAINTIFF CONTENTS THAT HIS CONSTITUTIONAL
 RIGHTS WERE SERIOUSLY DENIED AND HIS
 RIGHTS AS A CITIZEN OF THE STATE OF ALABAMA
 AND THE UNITED STATES UNDER THE UNITED
 STATES CONSTITUTION WERE IGNORED BY THE
 DEFENDANTS IN THIS ACTION CAUSING THE
 PLAINTIFF TO SUFFER IRREVERSABLE DAMAGE
 PHYSICALLY, MENTALLY AND EMOTIONALLY AS WELL
 AS FINANCIALLY BY IGNORING HIS
 CONSTITUTIONAL RIGHTS TO FREEDOM, LIFE AND
 LIBERTY UNDER THIS SAID CONSTITUTION; THE
 PLAINTIFF WILL ALSO SEEK CRIMINAL PROSEC-
 UTION FOR KIDNAPPING WITH THE ATTORNEY GENERAL
 OF THE STATE OF ALABAMA AGAINST THE DEFENDANTS
 IN THIS CAUSE; THE PLAINTIFF ALSO WILL SEEK
 MONETARY DAMAGES IN THE AMOUNT OF (20,000,000)
 TWENTY MILLION DOLLARS FOR THE MENTAL AND
 PHYSICAL ANXIETY THIS HAS CAUSED HIM; PLAINTIFF
 ALSO SEEK MONETARY DAMAGES FOR LOST WAGES
 IN THE AMOUNT OF (12,000) TWELVE THOUSAND DOLLARS;
 THE PLAINTIFF WILL ALSO ASK FOR PUNITIVE DAMAGES
 AS YET TO BE DETERMINED; IN THIS COMPLAINT THE

PLAINTIFF SEEKS RECOMPENSE FOR THE WRONGFUL
AND MISTAKEN ACTS BROUGHT UPON HIM BY THE
DEFENDANTS IN THIS ACTION; HE ASK THAT THIS
COMPLAINT BE SERVED UPON EACH INDIVIDUAL
DEFENDANT LISTED HEREIN

RESPECTFULLY SUBMITTED

Louis James Welch

LOUIS JAMES WELCH

PLAINTIFF

SWORN AND SUBSCRIBED TO ME THIS 1ST Day OF
FEBRUARY 2006:

My Commission Expires 3/24/07

Curley L. Brumby

NOTARY

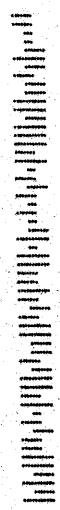
LOUIS JAMES WELCH A.I.S. # 131136
P.O. Box 150 KCA-196

Mt. Meigs AL. 36057



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA
CLERK
113 ST. JOSEPH STREET
MOBILE, ALABAMA 36602

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LEWIS, JAMES